



STATE OF CONNECTICUT

DEPARTMENT OF MOTOR VEHICLES

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*Testimony of the Department of Motor Vehicles on
Bills Requested by the Agency
Transportation Committee Public Hearing
March 4, 2009*

S.B. No. 1073 AN ACT MAKING REVISIONS TO STATUTES CONCERNING THE DEPARTMENT OF MOTOR VEHICLES

The Department of Motor Vehicles (DMV) supports Senate Bill 1073, primarily a technical bill, which includes a number of changes that will improve customer service, achieve agency efficiencies, and improve the administration of many of our programs.

Section 1 corrects a mistaken cross-reference in section 14-36g that was amended by the 2008 Teen Driving Legislation.

Section 2 adds a "grandparent" to the list of individuals who are authorized to sign off on the so-called "parental consent" for a 16 or 17 year old to obtain a license, if the parents are deceased, incapable, outside the state or otherwise unavailable.

Section 3 allows DMV to recover collection costs and assess a penalty if a fee that is paid by means of a credit or debit card is dishonored. Currently DMV has this authority only for bad checks.

Section 4 authorizes the Commissioner to suspend the so-called "operating privilege" in connection with a number of existing license suspensions, in the event that the violator does not have a CT license.

Section 5 clarifies that the suspensions created for 16 and 17 year old drivers by P.A. 08-150, may be "privilege" suspensions, in the event that the violator does not yet hold a license, such as would be the case if a violation is committed by a person who holds a learner's permit.

Section 6 authorizes certain police reports to be submitted to DMV by electronic means, consistent with the requirements of 1-266 to 1-286 of the General Statutes.

Section 7 makes a technical change in the statute that governs the DMV Substance Abuse Treatment Program for persons convicted in court of DUI.

Section 8 expands a provision passed last year to include the safe driving course offered by commercial driving schools, an accidental omission. As enacted, the language refers only to secondary school driver education programs.

Section 9 clarifies that individuals over 18 years of age and who hold a license issued by a foreign country with which the Commissioner has an agreement for reciprocal recognition of driver training do not have to complete the 8 hour safe driving practices course.

Section 10 provides that if a person under the age of 18 is convicted in court of driving without a license, such person will not be eligible to obtain a license for one year from the date of conviction (assuming the person has, by that time, attained the age of 16 years, in accordance with section 14-36).

Section 11 repeals the vision screening program mandate, scheduled to go into effect on July 1, 2009.

Section 12 clarifies special license endorsement requirements for various types of vehicles that transport passengers, to allow moving or road testing the vehicle with no passengers, without the operator having to obtain any endorsement. The same provision exists now for school buses.

Section 13 provides express authority for the Commissioner to adopt regulations concerning the necessary equipment, design and safety features that must be possessed by motor vehicles in order for them to be eligible for general registration for highway users.

Section 14 updates the process, which is mandated in section 14-42, for providing an opportunity for driver's license and identity card applicants to register as organ and tissue donors. The donor registry is now maintained in an electronic format.

Section 15 corrects a technical problem with the amendment to the speeding statute, section 14-219, that was made last year under P.A. 08-32.

Section 16 changes the references in statute that pertain to the annual registration of commercial motor vehicles from "gross weight" to "gross vehicle weight rating" to conform with other sections of Title 14. As drafted, this change will apply prospectively, to new commercial registrations issued after July 1, 2009, and will not apply to renewals of existing registrations.

Section 17 lowers the threshold for which the commissioner may require that a licensed dealer submit registration applications by electronic means, from twenty-five sales per month to ten sales per month.

Section 18 eliminates reference to the fee for an annual emissions inspection, since all inspections now are conducted on a biennial basis, and lengthens the period during which the owner of a vehicle that fails inspection may have the vehicle repaired and return for a free retest, from thirty days to sixty days.

Section 19 adds a late fee for motor vehicle manufacturers that fail to renew their licenses on time, in the same manner as now provided for licensed dealers under section 14-52.

Section 20 changes the license period for a motor vehicle recycler from one year to two years, consistent with the periods of other licenses issued by DMV to motor vehicle related businesses and repeals obsolete language.

Section 21 changes the references in the statute concerning brake equipment on trailers from "gross weight" to "gross vehicle weight rating."

Section 22 grants the commissioner authority to require a safety inspection of any motor vehicle that is not manufactured by a manufacturer licensed in this state, prior to issuing a registration for any such vehicle.

Section 23 makes amendments of a technical nature to the statute under which Connecticut participates in the Federal Motor Carrier Safety Program, consistent with recent changes in federal law.

Section 24 amends the statute pertaining to the maximum number of on-duty hours for drivers of commercial motor vehicles, to incorporate the exemption, recently enacted by the U.S. Congress, for utility service vehicles. These owners and drivers will continue to be subject to the federal standards, adopted under section 14-163c, as amended in accordance with the previous section of this proposal.

Section 25 clarifies the language of the statute that imposes penalties for failure to obtain an overweight or oversized permit.

Section 26 creates a new offense and penalties for any motor carrier who operates a motor vehicle with a suspended or revoked registration. This change is intended to bring the state into compliance with recent changes in federal law that require states to enforce federal suspensions or revocations of the operating authority of motor carriers. As drafted, this change will also increase the penalty for motor carriers who violate any state-issued suspension or revocation, which is now only an infraction, in accordance with section 14-12(a)(1).

Section 27 strengthens the statutes regarding the obligation of a licensed dealer or repairer who goes out of business, or whose license is revoked, to account for and to surrender all dealer or repairer plates that have been issued to such licensee. The new language also creates a criminal penalty for failing to surrender plates or knowingly operating a motor vehicle with plates that are no longer valid.

Section 28 adds language to authorize the transfer of funds collected from sales of the Nurses license plate from the State to the Connecticut Nurses Foundation, fixing an oversight.

Section 29 repeals outdated language requiring DMV to publish a list of individuals who "have a class B license whose class B license or registration is been suspended." DMV currently provides companies electronic access to a list of individuals with suspended public service licenses that's updated weekly, as well as the ability to check the status of public service licenses to see if they are under suspension.

Section 30 repeals language requiring a study on electronic distractions.

Section 31 repeals statutes regarding "high-mileage vehicles".

We realize that this is a very long, detailed bill and are willing to meet and to work with members of the Committee if they have any questions or concerns.

H.B. No. 6548
AN ACT CONCERNING COMPLIANCE WITH FEDERAL
DRIVER LICENSING STANDARDS

DMV requested and supports this proposal to incorporate some administrative changes required by the Real ID Act, including a provision discussed last month to tie the expiration of an individual's DMV-issued credentials with the expiration of their legal stay (if they are not permanent, U.S. residents).

As DMV testified in February, the Real ID Act is aimed at improving the integrity and security of driver's licenses and identification cards by requiring certain minimum, uniform standards be met prior to credential issuance. These standards primarily prescribe information and security features for the physical license document, as well as procedures for the verification of an applicant's identity, paperwork and legal presence in this country.

Over the last several years, even before the Real ID mandate was enacted, DMV has worked to enhance our credential issuance processes. Coincidentally, many of the Department's programmatic, regulatory and legislative changes have overlapped with Real ID requirements. For example, in 2007 legislation was passed to require anyone offered employment with the Department to be fingerprinted and submit to state and national criminal history record checks (§14-9a); and DMV last year updated its Regulations on *Issuing a Motor Vehicle Operator's License*, which serve to define the identification requirements for all applicants. The Regulations also define the standards for issuing licenses to persons who are not citizens or permanent residents.

While the future of the federal Real ID Act may be somewhat fluid, DMV hopes members of this Committee will review and consider any proposals that will provide a cost-effective opportunity to improve the integrity of Connecticut-issued driver's licenses and identification cards. One such measure that the agency has supported for several years would grant the Department authority to tie the expiration of a driver's license to the expiration of a person's legal stay in this country.

Connecticut driver's licenses are issued for a six-year term, with exceptions for individuals age 65 or older who may renew for a two-year term and CDL holders who are issued licenses for a four-year term. By making this commonsense change, which many other states have already enacted, the Department would, in fact, be allowed to issue licenses in certain cases where applications are now denied. These limited term licenses would clearly indicate the expiration date, though there is always the option to renew if evidence is presented that shows the holder's authorized stay has been extended. Even evidence of a *pending* application before the Bureau of Citizenship and Immigration Services would be sufficient for these purposes.

H.B. No. 6601
AN ACT CONCERNING THE ADMINISTRATIVE PER SE PROGRAM

DMV supports this bill which would make necessary changes to improve the Administrative Per Se license suspension program.

This bill contains several provisions that overlap with Senate Bill 153, *An Act Concerning Administrative Per Se Violations and Procedures*, which is also being heard today. DMV staff has been working with the legislature, including a working group coordinated by Representative Reynolds, for several years and believes that these changes will only enhance the Department's ability to effectively, administratively sanction drunk drivers.

Several of the changes included in House Bill 6601 would:

- Authorize DMV to accept electronic police reports that contain the officers' certification that they had probable cause to make the drunk driving arrest;
- Allow DMV the authority to grant more than one continuance in Per Se Hearings;
- Repeal "probable cause" as one of the issues determined at an Administrative Hearing;
- Incorporate the .04 BAC standard for commercial drivers into the Per Se Statutes; and
- Correct an inconsistency in the DUI statutes that was caused by enactment of Public Act 06-147 concerning the locations where the offense of DUI can be committed. This act made no corresponding change to section 14-227g, which deals with DUI related conduct by persons less than 21 years of age.

It should be noted that there are several provisions, including one to require any subpoena of a police officer as a witness at a Per Se Hearing be served not less than seventy-two hours prior to the hearing, that are in Senate Bill 153, but, not House Bill 6601.

DMV hopes to have the opportunity to work with members of this Committee to reconcile these two important proposals and draft one, comprehensive Per Se Bill that will address these important concerns.